

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

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)
DOUGLAS I. HORNSBY,)
Administrator of the)
Estate of CYNTHIA GARY,)
)
Plaintiff,) CASE NO. 2:22-cv-427
)
vs.)
)
UNITED STATES OF AMERICA,)
et al.,)
)
Defendants.)
-----)

VIDEOCONFERENCE DEPOSITION UPON ORAL EXAMINATION
OF KELVIN BUIE
TAKEN ON BEHALF OF THE DEFENDANTS
Norfolk, Virginia
Thursday, October 24, 2024
10:00 a.m. EST

Reported By: Bobbi J. Case, RPR, CCR
Job No. CS6974705

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1 BY MS. LAWRENCE:

2 Q. Okay. So if we look back again at
3 the first procedure, we read the "Test blow-in
4 doors' automatic operation," et cetera, et cetera.
5 Those -- those steps in Section b where it says,
6 "Isolate low-pressure (LP) air to blow-in panel
7 solenoids and attach safety tags in accordance
8 with the TUM and/or local tag-out instruction,"
9 and 2, "De-energize power to moisture
10 separator/blow-in panel heater strip," would you
11 agree that those steps don't appear in this
12 procedure that we've just read?

13 MS. EATON: Object to the form.

14 THE DEPONENT: That's correct.
15

16 BY MS. LAWRENCE:

17 Q. Okay. Now, with regard to this
18 procedure for replacing the blow-in door gasket,
19 when you undertook the blow-in door gasket
20 replacement project on the McFAUL maintenance
21 availability, did you review or use this procedure
22 in any way?

23 MS. EATON: Object to the form.

24 THE DEPONENT: This procedure's not
25 presented to contractors, so we have no knowledge

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1 Once you tag it back out, we're
2 inspecting to see if something got stuck in the
3 gasket, some old paint that was up there fell in
4 the gasket. See if there was any defects in the
5 gasket.

6

7 BY MS. LAWRENCE:

8 Q. Okay. All right. You talked about
9 the gasket replacement product on the McFAUL
10 maintenance availability and you talked about a
11 WAF or a Work Authorization Form. Is that
12 correct?

13 A. Yes, ma'am.

14 Q. Okay. Can you describe the work
15 authorization process on the McFAUL maintenance
16 availability?

17 A. Me, as the contractor, check the work
18 item, see what's the description of what are we
19 doing, and then I take the WAF authorization form
20 and -- I forget what block it is. I think it's
21 Block 11 maybe -- write the description in, what
22 we're doing, and turn it over to -- let them know
23 it needs to be tagged out and what position we
24 need it to be in.

25 Turn it over to the WAF coordinator,

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1 and then the WAF coordinator will get with the
2 ship and say, "Hey, this is what the contractor
3 wants." Want the door tagged out in an open
4 position so they can replace the gasket -- or
5 whatever the description is.

6 For this, replace the gasket.

7 And then at that point, the ship will
8 -- supposed to look at the drawings and build the
9 tag-out.

10 Once they build the tag-out in eSOMS,
11 they will let the contractor know -- they'll let
12 the WAF coordinator know. The WAF coordinator
13 will call the contractor and be like, "Hey, WAF is
14 ready for you to come back up here and RA."

15 That form will go back up there and
16 verify that -- what the ship is tagging out is --
17 verifying that if they're saying "needs tagged
18 out," some valve needs to be tagged out to isolate
19 the system, that's what we're going back to
20 verify.

21 Once I go in the system, I look to
22 see in my description there, and if it's correct,
23 then I will put my password in to -- for the RA to
24 RA that section. And then the ship, if they're
25 ready at that point, they would turn it over to

1 the authorizing officer. They would issue the
2 tags to the Navy guy -- to -- they will issue tags
3 to the Navy sailors, then they would do it.

4 The first checker go hang the tags.
5 Then when the first checker comes back, he gives
6 it to the second checker. The RA will go with the
7 second checker to verify the tags after the second
8 checker signs it to make sure that everything is
9 tagged out on what they're -- with the tag out.

10 Then initial the line item sheet of
11 what's there, what we verified.

12 It will go back to the authorizing
13 officer, and the authorizing officer will look at
14 the tag to make sure everybody's initials is on
15 there, and then he will issue -- he will hang the
16 tag in the system.

17 Then at that point, he will sign the
18 WAF and give it to me. I will sign the WAF, then
19 we give it to the WAF coordinator. The WAF
20 coordinator will sign the WAF.

21 Then once the WAF coordinator signs
22 the WAF, then he will make copies and give it to
23 me, and I will be good to go for it.

24 Q. Okay. Got it.

25 All right. I want to show you some

1 officer, "Hey, the tags are ready to be hung."

2 Q. So correct me if I'm wrong, but it
3 sounds like, then, the NASSCO-Norfolk's WAF
4 coordinator's role is simply taking the
5 contractor's WAF request to ship's crew and then
6 coming back and notifying that contractor's RA,
7 that, yeah, they've built it out and it's time for
8 you to go?

9 A. Yes.

10 MS. EATON: Objection to form.

11 THE DEPONENT: They pretty much just
12 track the process of the WAF. That's pretty much
13 -- once it's -- once we submit it, they put it on
14 a log.

15 And in terms of ship -- once the ship
16 is ready, once we hang it, then they'll update the
17 status on their log, and once we're ready to clear
18 it, then we'll clear it and take it off the log.

19

20 BY MR. BRUGH:

21 Q. Is it fair to say that the WAF
22 coordinator's role is pretty much administrative?

23 MS. EATON: Object to the form.

24 THE DEPONENT: Yes.

25

1 Team lead?

2 A. Yes.

3 Q. -- are you the one that then
4 determines, okay, we've got to replace these
5 gaskets, I determine how that's going to be done
6 in terms of what my men have to do?

7 A. Yes.

8 MS. EATON: Object to the form.

9 THE DEPONENT: Yes.

10 I look at, like I said, whatever
11 reference they give, drawings and stuff. Once it
12 gets tagged out, then I can go in the space and
13 kind of look and see the easiest way to remove it.

14

15 BY MR. BRUGH:

16 Q. And we've already discussed it, you
17 don't know what's needed to tag-out the blow-in
18 doors. That's up to the Navy. But in terms of
19 actually replacing the gaskets, you put together
20 the plan or determine exactly how that will be
21 done. Correct?

22 A. Yes.

23 MS. EATON: Objection to form.

24 THE DEPONENT: Yes.

25

1 BY MR. BRUGH:

2 Q. And you are the one that directs your
3 crew on how to do it or if they're doing it wrong
4 or if they need to do something differently.
5 Correct?

6 MS. EATON: Object to form.

7 THE DEPONENT: Yes.

8
9 BY MR. BRUGH:

10 Q. And there's no, like,
11 NASSCO-Norfolk -- there's no NASSCO-Norfolk
12 employer that's there telling them what to do.
13 You're the one doing it. Correct?

14 MS. EATON: Objection to form.

15 THE DEPONENT: That's correct.

16
17 BY MR. BRUGH:

18 Q. And I think you also testified that
19 AIT orders the parts for replacing the gaskets?

20 A. Yes, because it wasn't considered, as
21 I say, GFM, which would have been listed on the
22 back.

23 So it's basically saying the
24 government will provide.

25 Q. Okay. But in this case --

1 A. The government did not provide, so
2 they paid us to procure the material ourselves.

3 Q. Okay. And when the work is to be
4 done -- I know it's based on priority, you talked
5 about that, and -- but once the tag-out process
6 has been completed and that's all done, then you
7 get to determine -- and you're told, okay, you can
8 go ahead and do the work now, you actually
9 determine what day that you do it.

10 MS. EATON: Object to the form.

11

12 BY MR. BRUGH:

13 Q. Correct?

14 A. Yes.

15 Q. And do you-all use your own tools in
16 replacing those gaskets?

17 A. Yes.

18 Q. And so you've got -- AIT's got
19 control, or you've got control, over your crew as
20 to how that replacement of the gaskets takes
21 place?

22 A. Yes.

23 MS. EATON: Object to the form.

24 THE DEPONENT: Based off references
25 that we use.

1 BY MR. BRUGH:

2 Q. These might sound like silly
3 questions, but I need to ask them anyway.

4 The people that -- the crew that is
5 used to do this replacement, the gasket work,
6 that's determined by AIT. Correct?

7 MS. EATON: Object to the form.

8 THE DEPONENT: Yes.

9
10 BY MR. BRUGH:

11 Q. NASSCO-Norfolk doesn't have any role
12 in deciding who's a part of that crew?

13 A. Yes. That's correct.

14 Q. That's correct. Okay.

15 And that crew and all associated with
16 AIT, they get paid by AIT. Correct?

17 A. Yes.

18 Q. And if anybody on that crew is to be
19 fired or hired, that's determined by AIT.
20 Correct?

21 MS. EATON: Object to the form.

22 THE DEPONENT: That's correct.

23 MR. BRUGH: Mr. Buie, those are all
24 the questions I have. Thanks.

25 THE DEPONENT: All right.